

## ACTION

have an attorney acting in that capacity as a regular member of the staff of the organization or a retainer arrangement with an attorney, the Boards of Directors of such recipient and agency will be authorized to designate an attorney to represent their organizations at any such show cause proceeding or termination hearing and to transfer sufficient funds from the Federal grant monies they have received for the project to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed \$100 per day without the prior express written approval of ACTION. Travel and per diem expenses may be paid to such attorney only in accordance with the policies set forth in the Standard Government Travel Regulations and in §§1206.3-1 and 1206.3-6 of this chapter. The Boards of Directors of the recipient or any agency which has a right to participate in an informal meeting pursuant to §1206.1-4 or a termination hearing pursuant to §1206.1-7 will also be authorized to designate two persons in addition to an attorney whose travel and per diem expenses to attend the meeting or hearing may be paid from Federal grant or contract monies. Such travel and per diem expenses shall conform to the policies set forth in the Standard Government Travel Regulations and in §§1206.3-1 and 1206.3-6 of this chapter.

### **§1206.1-10 Modification of procedures by consent.**

The responsible ACTION official or the presiding officer of a termination hearing may alter, eliminate or modify any of the provisions of this subpart with the consent of the recipient and, in the case of a termination hearing, with the consent of all agencies that have a right to participate in the hearing pursuant to §1206.1-5(e). Such consent must be in writing or be recorded in the hearing transcript.

### **§1206.1-11 Other remedies.**

The procedures established by this subpart shall not preclude ACTION from pursuing any other remedies authorized by law.

## § 1206.2-4

### **Subpart B—Denial of Application for Refunding**

SOURCE: 47 FR 5719, Feb. 8, 1982, unless otherwise noted.

#### **§1206.2-1 Applicability of this subpart.**

This subpart applies to grantees and contractors receiving financial assistance and to sponsors who receive volunteers under the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. 4951 *et seq.* The procedures in this subpart do not apply to review of applications for the following:

- (a) University Year for ACTION projects which have received federal funds for five years;
- (b) Mini-grants;
- (c) Other projects for which specific time limits with respect to federal assistance are established in the original notice of grant award or other document providing assistance, where the specified time limit has been reached; and
- (d) VISTA project extensions of less than six months.

#### **§1206.2-2 Purpose.**

This subpart establishes rules and review procedures for the denial of a current recipient's application for refunding.

#### **§1206.2-3 Definitions.**

As used in this subpart—"ACTION," "Director," and "recipient" shall be defined in accordance with §1206.1-3.

*Financial assistance* and *assistance* include the services of volunteers supported in whole or in part with ACTION funds.

*Program account* means assistance provided by ACTION to support a particular program activity; for example, VISTA, Foster Grandparent Program, Senior Companion Program and Retired Senior Volunteer Program.

*Refunding* includes renewal of an application for the assignment of volunteers.

#### **§1206.2-4 Procedures.**

- (a) The procedures set forth in paragraphs (b) through (g) of this section shall apply only where an application for refunding submitted by a current recipient is rejected or is reduced to 80